

**MINUTES OF THE MEETING OF THE LEICESTERSHIRE COUNTY COUNCIL
HELD AT COUNTY HALL, GLENFIELD ON WEDNESDAY, 4 DECEMBER 2019**

PRESENT

Mrs. P. Posnett MBE CC (in the Chair)

Mr. T. Barkley CC, Mr. P. Bedford CC, Mr. I. E. G. Bentley CC, Mr. D. C. Bill MBE CC, Mr. R. Blunt CC, Mr. G. A. Boulter CC, Mr. S. L. Bray CC, Mr. L. Breckon JP CC, Dr. P. Bremner CC, Ms. L. Broadley CC, Mr. M. H. Charlesworth CC, Mr. J. G. Coxon CC, Mr. B. Crooks CC, Dr. T. Eynon CC, Dr. R. K. A. Feltham CC, Mrs. H. J. Fryer CC, Mr. S. J. Galton CC, Mr. T. Gillard CC, Mrs. A. J. Hack CC, Mr. D. Harrison CC, Dr. S. Hill CC, Mr. Max Hunt CC, Mr. W. Liquorish JP CC, Mr. J. Miah CC, Mr. J. Morgan CC, Mr. M. T. Mullaney CC, Ms. Betty Newton CC, Mr. O. O'Shea JP CC, Mr. J. T. Orson JP CC, Mr. P. C. Osborne CC, Mr. I. D. Ould OBE CC, Mrs. R. Page CC, Mr. B. L. Pain CC, Mr. A. E. Pearson CC, Mr. T. J. Pendleton CC, Mr J. Poland CC, Mrs. C. M. Radford CC, Mr. J. B. Rhodes CC, Mr. T. J. Richardson CC, Mrs H. L. Richardson CC, Mrs. J. Richards CC, Mr. N. J. Rushton CC, Mrs B. Seaton CC, Mr. S. D. Sheahan CC, Mr. R. J. Shepherd CC, Mrs D. Taylor CC, Mr. G. Welsh CC, Mrs. A. Wright CC, Mrs. M. Wright CC and Mr. M. B. Wyatt CC

28. CHAIRMAN'S ANNOUNCEMENTS.

Armistice Day

Armistice Day was marked on Monday 11th November when many public spaces and work places came to a halt to mark the traditional two-minute silence held at 11.00 o'clock. At County Hall a short service was held at the Stand Easy memorial where one hundred invited guests were joined by many staff.

The service was dignified and involved the local Armed Forces and veteran community as well as pupils from The Hall Primary School who once again produced an excellent Remembrance display in Main Reception. To see the generations coming together for this act of homage was a particular highlight.

The Chairman congratulated Susan Williamson from the Council's Corporate Resources Department who played the Last Post and Reveille so competently. Members joined the Chairman in recording their thanks and appreciation to all those involved.

The staff in Corporate Resources once again organised a very successful Poppy Appeal across County Hall with events and competitions to supplement the funds raised from the sale of poppies. The final figure was yet to be confirmed but would exceed £5,000. Members joined the Chairman in recording their thanks and appreciation to all the staff concerned.

Bosworth Battlefield Heritage Centre

Bosworth Battlefield Heritage Centre had won the Great Day Out Best Small

Attraction category at the Leicestershire Promotions Tourism and Hospitality Awards 2019.

Announcing Bosworth as the winner at the prestigious ceremony at Athena in Leicester, judges described the attraction as 'simply a cracking day out that kept two slightly reluctant young people engrossed and wanting to go back again'.

This was a well-deserved tribute to the hard work of the staff and volunteers involved in making the site a must-visit attraction for people of all ages.

Pre-election Period

Members were reminded that they were in the pre-election period, which was a time of heightened sensitivity. Members were asked, in making speeches, not to seek to elicit support for a particular political party and to focus on their role as County Councillors.

29. MINUTES.

It was moved by the Chairman, seconded by the Mr O'Shea and carried:-

"That the minutes of the meeting of the Council held on 252 September 2019, copies of which have been circulated to members, be taken as read, confirmed and signed."

30. DECLARATIONS OF INTEREST.

The Chairman invited members who wished to do so to make declarations of interest in respect of items on the agenda for the meeting.

Mr Sheahan declared a personal interest in the Annual Performance Report and Delivery Compendium 2019 as it made reference to HS2 and he was affected by the proposed route (minute 34(b) refers).

31. QUESTIONS ASKED UNDER STANDING ORDER 7(1)(2) AND (5).

(A) Mr Galton asked the following question of the Leader or his nominee:

"The Leader will no doubt be aware of the recent BBC investigation into the use of unregulated accommodation by local authorities to house children aged 16 – 18. This looked at how houses being used to accommodate young people in the care of the local authority do not need to be registered with OFSTED if they only provide support and not care.

The investigation raised concerns about the lack of qualified staff employed by private providers and concluded that many of the providers are operating de facto children's homes and should be registered.

Reference was also made to a letter having been sent by the relevant Minister to Chief Executives on the subject of the use of unregulated

accommodation.

Could the Leader let me know:

- (a) How many young people in the care of Leicestershire County Council have been placed in this type of accommodation in each of the last 3 years?
- (b) Are any young people in the care of Leicestershire currently placed in unregulated accommodation?
- (c) What action was the letter from the Minister asking the Council to take on this matter and has a response been sent?
- (d) How are referrals to providers undertaken and what checks are carried out? Specifically, are the properties inspected and would the Council require staff working in these homes to be DBS checked?
- (e) Is the Leader satisfied that the process requiring other local authorities to inform the Council when placing a young person in unregistered accommodation in this Authority's area, working as it should do?
- (f) Once notified what duties and responsibilities does this Council have in respect of young people placed in accommodation in Leicestershire by other local authorities?"

Mr Ould relied as follows:

- (a) The number of individuals that have been placed within unregulated 16/18 accommodation broken down by placements made per year is:

2017 – 44 young people
2018 – 46 young people
2019 – 51 young people
- (b) The County Council currently has 84 young people in unregulated accommodation. This accommodation is a mix of supported accommodation, semi-independent living and supported lodgings.
- (c) The letter from Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families, in March 2019 requested that Local Authorities review their procedures when placing young people in unregulated provision to ensure that statutory requirements are being met and that young people are not put at risk. This request was considered and it was acknowledged that good robust procedures for making placements and quality assurance of placements were already in place in Leicestershire. An update on this will be presented to members in the New Year.
- (d) Referrals to providers are anonymised and highlight the needs and behaviours of the young person, their gender and any geographical areas they wish to be in and equally any geographical areas they cannot be placed in. Once a response is received this is sent to the

Social Worker to make an informed decision as to whether it is a good placement match. Where possible the young person would get to view the property before moving in.

Providers go through a robust quality process to become a Framework Provider which includes health and safety checks and evidence of all relevant policies and procedures. All Framework providers are also visited, and a full Quality Assurance visit is undertaken before a placement is made. All staff are required to have a full enhanced DBS (Disclosure and Barring Service) check and be checked against the barred list for working with children.

- (e) Notifications should be received where another local authority places a Looked After Child in Leicestershire and the provider includes this information when they offer accommodation for a young person. It is the responsibility of the placing local authority to inform the County Council but this does not always happen.
- (f) The Youth Offending Service, the Special Educational Needs Assessment and Commissioning Services, Child Sexual Exploitation Service and other Partner organisations would work with these young people if they were placed in Leicestershire and the Safeguarding Children's Partnership have safeguarding responsibility for all Looked After Children living in Leicestershire up to the age of 18 years.

If a child is looked after and placed in Leicestershire by another authority and there is a safeguarding concern (called a S47 investigation), the host county has a duty to lead on the investigation until the matter is handed over to the placing authority."

(B) Mr Hunt asked the following question of the Leader or his nominee:

- "1. I understand from the Chairman of the Environment and Transport Overview and Scrutiny Committee that the "non-motorised user audit" on the proposal for the J23/A512 scheme was obliged to ensure the scheme "tied in appropriately" with the walking and cycling provision along the A512, yet the shared pedestrian/cycle way alongside the Ashby Road East section of carriageway widening clearly does not meet highways standards for shared cycle/pedestrian use (notably for cycles or permitted electric vehicles). Bearing in mind that this is a popular route to work for many Shepshed inhabitants, can the Leader explain why this was overlooked?
2. How can we ensure future major highways schemes benefit non-motorised users as well as motorised traffic?
3. What future arrangements could be made to ensure that cycling and disability groups are consulted before submitting non-motorised user audits in future?"

Mr Pain replied as follows:

- “1. The key criteria for securing funding for the A512 widening programme was to unlock housing and economic growth. As part of this, a non-motorised user audit on the proposed J23/A512 scheme identified the need to ensure the scheme tied in appropriately with the existing walking and cycling provision along the A512. As part of the scheme, toucan crossings are being provided across the on and off slips of J23 and the new roundabout on the A512 to allow cyclists to access the shared footway cycleway on the north side of the A512 towards Loughborough. It is only possible to improve cycling facilities where funding and land allow. On the northside of the A512, Ashby Road East, there is insufficient land in the control of the County Council to widen the route. Taking additional land on the southern side would require the entire arm of the roundabout to be realigned along with the circulatory carriageway and this would increase the scope of the developer’s scheme beyond that agreed and has no allocated funding. Therefore unfortunately we are unable to widen this section of the route.
2. When developing any bids, such as the Local Growth Fund or the Growth and Housing Fund, Leicestershire County Council, as the local highway authority, will always look to see what transport improvements can be made against the funding stream criteria. If public transport access, cycle provision or pedestrian facilities are appropriate we will bid accordingly or look to ensure these can be accommodated when funding becomes available. However other funding streams such as the Access Fund or Local Sustainable Transport Fund are often more suitable for funding these type of measures. Whilst we always seek to secure sustainable travel infrastructure, it is dependent on the criteria of the funding stream as well as what can be physically delivered. We are embedding the design of infrastructure for non-motorised users as part of the overall highway scheme design process and where possible will include these designs as part of any competitive funding bid.
3. The County Council is always looking to review and improve processes where needed. In line with the most recent guidance we will look to incorporate input from appropriate user groups when considering what facilities can be included in future schemes for non-motorised users, in line with the funding criteria for any bidding process. Dependent on the nature and size of the scheme this input could include workshops, design reviews and consultation.”

Mr Hunt asked the following supplementary question on the response to question 1:

“The answer is not the answer to the question I asked; it is the answer to the question the Leader wants to answer. The question is, bearing in mind that this is a popular route to work for many Shepshed inhabitants, was this matter overlooked or is this a post-hoc justification of an error that was made in specifying the A512 widening and works?”

Mr Pain replied as follows:

“I do not believe that it was an oversight at all, I think the question has been answered. His question referred to whether the scheme and work was

obliged to tie in appropriately with the current walking and cycling provision along the A512 and I think the answer answers that point: it does. Toucan crossings are being provided. There is always more that could be done to promote and make sure that provision for non-motorised vehicles like cycle ways are put in place on Leicestershire Highways and we will continue to explore how we do that.”

Mr Hunt asked the following supplementary question on the response to question 3:

“This is an extremely helpful response which says that, on such major road projects, recent guidance requires appropriate user groups to be consulted when considering what facilities can be included. I would have expected that to happen, but it hasn't happened in this case. I would suggest that, had appropriate user groups being consulted on the A512, at that stage of the specification, what I regarded as a serious error would not have happened.”

Mr Pain replied as follows:

“I do not believe that was a question it was a matter of an opinion but, as the responses already said, there was a user audit conducted for this particular scheme.”

(C) Mr Hunt asked the following question of the Leader or his nominee:

- “1. The public have been told the A512/J23 Major Highways Scheme will affect traffic through Junction 23 throughout 2020 and into 2021. Can the authority take further action to reduce congestion at peak time?
2. What can be done to reduce traffic backing up on Old Ashby Road?
3. Is it possible to provide information of time delays from week to week so that people can time their journeys better?
4. It seems some of the congestion is caused by heavy plant being moved across the carriageway at peak times; can this be limited?”

Mr Pain replied as follows:

- “1. Unfortunately, when carrying out improvement works on the highway there is inevitably some disruption, particularly when traffic levels are at their highest during morning and evening peak. Whilst construction works are programmed to minimise lane closures during peak times, it is only possible to reopen closed lanes where it is safe, and the surface is suitable. In addition, the installation of traffic management of the scale needed around J23 takes several hours to put in place under a full road closure and therefore it is not possible to install/remove the restrictions during peak times. The impact on the travelling public is constantly reviewed and every effort is made to reduce delays where possible. Any changes that can be made safely whilst still facilitating the works will be assessed and implemented.

2. The potential to amend the traffic management at this location is currently being explored. Any changes will need to comply with national guidance that aims to protect the workforce as well as minimising the disruption to the travelling public. Local members will be kept informed of progress.
3. There are many different reasons for traffic levels to fluctuate from day to day and across the peak period; including incidents elsewhere on the network. Several weeks of data would need to be collected by officers driving the routes to provide average delays. The possibility of using commercially available data such as Google Maps will be explored. Information on the works programme and restrictions can be found on the dedicated webpage for the project along with contact details for the contractor Morgan Sindall's Public Liaison Officer.
<https://www.leicestershire.gov.uk/roads-and-travel/road-maintenance/m1-junction-23-and-a512-improvement-scheme>
4. We will discuss this with the contractor Morgan Sindall and ensure any movements are minimised but as peaks in traffic cannot always be predicted, there may be times when plant needing to be moved coincides with higher traffic volumes.”

32. REPORT OF THE CONSTITUTION COMMITTEE.

(a) Review of Standing Orders (Meeting Procedure Rules).

It was moved by Mr Rushton and seconded by Mr Shepherd:

“That the changes to Standing Orders (the Meeting Procedure Rules), as set out in Appendix A to the report of the Constitution Committee, be approved.”

The motion was carried, with 40 members voting for the motion and 11 voting against.

33. POSITION STATEMENTS UNDER STANDING ORDER 8.

The Leader gave a position statement on the following matters:

- Flooding;
- Green Council/Carbon Reduction Strategy;
- Housing Infrastructure Fund Bids;
- Impower Index – Most Productive Council;
- County Councils' Network Conference;
- Remembrance Sunday.

The Lead Member for Children and Family Services gave a position statement on the following matters:

- Ofsted;

- Department for Education Care Leavers Visit;
- Stonewall;
- Children’s Innovation Partnership.

The Chairman of the Scrutiny Commission gave a position statement on the following matters:

- Overview and Scrutiny Statutory Guidance;
- Volume of Work;
- Work of Scrutiny Review Panels.

A copy of the position statements is filed with these minutes.

34. REPORTS OF THE CABINET.

(a) Annual Report of the Director of Public Health 2019.

It was moved by Mr Breckon, seconded by Mr Ould and carried unanimously:

“That the Annual Report of the Director of Public Health 2019 be noted with support.”

(b) Annual Delivery Report and Performance Compendium 2019.

It was moved by Mr Rhodes, seconded by Mr Shepherd and carried unanimously:

“That the Annual Delivery Report and Performance Compendium 2019 be approved.”

35. REPORT OF THE EMPLOYMENT COMMITTEE.

(a) Pay Policy Statement 2020/21.

It was moved by Mr Rhodes, seconded by Mr Shepherd and carried unanimously:

“That the County Council’s Pay Policy Statement 2020/21, attached as Appendix A to the report of the Employment Committee, be approved.”

36. REPORT OF THE CORPORATE GOVERNANCE COMMITTEE.

(a) Proposed Changes to the Financial Procedure Rules.

It was moved by Mr Barkley and seconded by Mr Richardson:

“That the proposed amendments to the Financial Procedure Rules, set out in Appendix A to the report of the Corporate Governance Committee, be approved.”

The motion was carried, with 40 members voting for the motion and 11 voting against.

(b) Proposed Changes to the Contract Procedure Rules.

It was moved by Mr Barkley, seconded by Mr Richardson and carried unanimously:

“That the proposed amendments to the Contract Procedure Rules, set out in Appendix B to the report of the Corporate Governance Committee, be approved.”

37. SECOND REPORT OF THE CONSTITUTION COMMITTEE.

(a) Report of the Independent Remuneration Panel on Members' Allowances.

It was moved by Mr Rushton, seconded by Mr Rhodes and carried unanimously:

- “(a) That those Members who submitted an Annual Report be thanked for doing so;
- (b) That those Members who have not submitted an Annual Report for the municipal year 2018/19 do so at the earliest opportunity;
- (c) That all Members of the County Council be asked to submit an Annual Report for the municipal year 2019/20 for publication on the County Council’s website;
- (d) That officers be asked to investigate what support can be provided to Members with regard to writing content relevant for their constituents;
- (e) That the allowance payable to Group Whips continues to be paid at the current rate of £61.40 per Member and increased annually in line with the Local Government Employee Pay Award).”

2.00 pm – 4.27 pm
04 December 2019

CHAIRMAN